

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 813 OF 2017

THE SECRETARY, AHILYABAI HOLKAR SHIKSHAN
PRASARAK MANDAL LATUR AND ANOTHER
VERSUS
SUDEV NAGNATH KAMBLE AND OTHERS

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Advocate for Petitioners : Shri Sabnis A.N.
h/f Shri Gunale V.D.
Advocate for Respondent 1 : Shri Kolhare S.R.
AGP for Respondents 2 & 3 : Shri Tiwari S.P.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: January 24, 2017

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PER COURT :-

1. The petitioners are aggrieved by the order dated 13.10.2016 passed by the School Tribunal, Latur by which, the application filed under Section 10 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 ("the MEPS Act" for short) read with Order XLI Rule 27 and Order XVI Rule 1 of the Civil Procedure Code for seeking production of certain documents and for calling a witness, has been rejected.

2. This matter was heard for sometime. My attention has been drawn to the order of the learned Division Bench dated 14.12.2009, delivered in Writ Petition No.6428 of 2009.

3. Learned Advocate for respondent No.1 and learned AGP on behalf of respondent Nos.2 and 3 submit that the application Exhibit 37 filed by the petitioners may be allowed subject to a time frame.

4. Considering the above, this petition is allowed and the impugned order dated 13.10.2016 is set aside by consent. Application Exhibit 37 is allowed and the School Tribunal, Latur shall accordingly issue necessary directions in terms of the prayers set out in application Exhibit 37 on/or before 20.2.2017. Considering the request of respondent No.1 / original appellant, the School Tribunal shall direct the compliance of its order within a time frame as it may deem proper.

5. Needless to state, while deciding the said appeal, the School Tribunal shall keep in mind that mis-conducts in service jurisprudence are to be considered on the preponderance on the principles of probabilities and the evidence recorded in the enquiry is not to be compared with the probative value of the evidence as is recorded in criminal proceedings.

(RAVINDRA V. GHUGE, J.)

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